

**Overview**Being one of the fastest developing Counties in Mississippi, Lamar County realizes that it needs to have in place a way to deal with violations of the Ordinances that have been adopted and continue to change over the years. Lamar County through its 4 Ordinances Site Plan Review; Subdivision Regulations; Storm Water Runoff, Illicit Discharges, and Illegal Connections; Flood Damage Prevention Ordinances and 1 Document being the Comprehensive Plan for Lamar County.

Although each Ordinance handles enforcement differently right now Lamar County Planning Department and the Board of Supervisors strives to uphold the Ordinances in order to promote the health and welfare of the County. Working in conjunction with Lamar County Sheriff's Department as back up when requested the Planning Department. The code enforcement for the County is primarily handled by the Development Official with the Planning Department.

### **To Report a Violation of any of Lamar County's Development Ordinances:**

Call (601) 794-1024 during normal business hours. ( 8 A.M. - 5 P.M. Monday - Friday ) or (601) 408-8043 anytime

**Notification of Violation Via Posting of Violation Sign**Lamar County Planning Department has begun to use white colored NOTICE & CEASE AND DESIST signs for violations. The signs posted give a set period of time to contact the Planning Department as well as the nature of the violation. The signs could be used just to cite a violation or to issue a cease and desist to stop all work at the site. The signs are considered County Property and removal of the signs could be considered theft of County Property and shall be treated as official notices of either a violation or to stop all work depending on the sign used.

### **Civil versus Criminal Enforcement when it comes to violations**

Lamar County mostly has Civil Ordinances which are enforceable under civil code standards within the Chancery Court system. However depending on the nature of the violation, and the severity of the possible penalties enforcement could be handled criminally through other laws as wells that aid the County's regulations in enforcement.

### **Site Plan Review Enforcement**

Under the Site Plan Review Ordinance for Lamar County violators of this Ordinance could be subject to being charged with a misdemeanor and be fined \$100.00 plus expenses involved in the case per offense. Each day such violation continues shall be considered a separate offense. This is authorized under MS State Statute Section 17-1-27 of the Mississippi Code of 1972, as amended.

### **Subdivision Regulations Enforcement**

Under the Subdivision Regulations Ordinance for Lamar County violators of this Ordinance could be subject to being charged with a misdemeanor and be fined \$100.00 plus expenses involved in the case per offense. Each day such violation continues shall be considered a separate offense. This is authorized under MS State Statute Section 17-1-27 of the Mississippi Code of 1972, as amended.

### **Flood Damage Prevention Enforcement**

Under the Flood Damage Prevention Ordinance for Lamar County violators of this Ordinance could be subject to being charged with a misdemeanor and be fined \$100.00 plus expenses involved in the case per offense. Each day such violation continues shall be considered a separate offense. Because this Ordinance is mandated by the Federal Emergency Management Agency through the National Flood Insurance Program violations could be subject to federal charges, and possible prohibition on obtaining Flood Insurance.

### Lamar County Zoning Ordinance Enforcement

Under the Lamar County Zoning Ordinance violators of this Ordinance could be subject to being charged with a misdemeanor and be fined \$100.00 plus expenses involved in the case per offense. Each day such violation continues shall be considered a separate offense. This is authorized under MS State Statute Section 17-1-27 of the Mississippi Code of 1972, as amended.

### Storm Water Runoff, Illicit Discharges, and Illegal Connections Enforcement

Under the Storm Water Runoff, Illicit Discharges, and Illegal Connections Ordinance for Lamar County violators could be subject to the following.

#### **CIVIL**

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate, after the permitting authority has taken one or more of the actions described above, the local permitting authority may seek any legal or equitable remedy available under the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. Additionally, failure to comply with MDEQ Stormwater Regulations may result in actions being taken by state and federal agencies in accordance with the Mississippi air and water pollution control law (Section 49-17-1 ET SEQ.) and the federal Clean Water Act.

#### **CRIMINAL**

Violations of this ordinance shall be deemed a misdemeanor. The local permitting authority may issue a citation to the alleged violator requiring such person to appear before the appropriate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 per offense or imprisonment in the County jail not to exceed 6 months, or both. Each violation and each day upon which any violation shall continue, will constitute a separate offense.

#### **CRIMINAL PROSECUTION**

Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor and subject to criminal prosecution to the fullest extent of the law.

#### **INJUNCTION**

If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **ALTERNATIVE ACTION**

In addition to any other remedy, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at

compliance workshops, creek cleanup, etc.

### **REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The local enforcement authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

### **VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and environment, is declared and deemed a nuisance, and may be summarily abated by injunctive or other equitable relief as provided by law, or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

### **SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS**

Lamar County Board may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the Waters of the United States, or to minimize danger to persons.

### **SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE**

1. Any person discharging to the County drainage system in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its county drainage system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

2. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency Solid Waste & Illegal Dumping

Under Mississippi State Statute 97-15-30 of the Mississippi Code Annotated, any person who violates this section in an amount exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in volume, but not exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume and not for commercial purposes is guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or to imprisonment for a term of not more than one (1) year, or both. If the amount exceeds five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, or in any amount or volume of solid waste for commercial purposes, or in any amount or volume of hazardous waste is guilty of a felony and subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than Fifty Thousand Dollars (\$50,000.00) or to imprisonment for a term of not more than five (5) years, or both. For purposes of the fine, each day shall constitute a separate violation.

### **Waste Tires Dumping**

Under Section 17-17-427 of the Mississippi State Code Annotated violators dumping tires are

subject to a \$50.00 per tire fine and be required to properly dispose of the tires.

### Ability to Charge With More Than One Ordinance

Lamar County has the ability to file charges against a violator under more than one Ordinance, and more than one subsection of that Ordinance at any given time. This means Lamar County reserves the ability to charge a violator to the maximum amount possible by utilizing all portions of the Ordinances, as well as multiple Ordinances if the violations can be deemed cross violations related to another Ordinance.

### **Lamar County Code Enforcement Officer is**

**Brian Neuman**

**serves as the Development Official**

**handles:stormwater, solid waste, subdivision, site plan,& flood plain enforcement**

**Desk Phone (601)794-3423**

**Mobile Phone (601)408-8043**

**Located 144 Shelby Speights Drive**

**Purvis, MS 39475**

**(old Bank Building next to City Hall)**